

Kimberly A. Kralowec (CA Bar No. 163158)
kkralowec@kraloweclaw.com

Kathleen Styles Rogers (CA Bar No. 122853)
krogers@kraloweclaw.com

KRALOWEC LAW, P.C.

3132A 24th Street
San Francisco, California 94110

Tel: (415) 546-6800

Fax: (415) 546-6801

Lee Shalov (admitted *pro hac vice*)

lshalov@mclaughlinstern.com

Brett Gallaway (admitted *pro hac vice*)

bgallaway@mclaughlinstern.com

Jason Scott Giaimo (admitted *pro hac vice*)

jgiaimo@mclaughlinstern.com

McLAUGHLIN & STERN, LLP

260 Madison Avenue
New York, New York 10016

Tel: (212) 448-1100

Fax: (212) 448-0066

Attorneys for Plaintiffs and the Class

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

AMANDA FRELKIN, TAYLOR KALIN, AARON
GREGOROFF, SETH DOWLING, and DEBRA
SPEICHER, on behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

APPLE INC., a California corporation,

Defendant.

Case No. 13-cv-3451 WHA (lead)
Case No. 13-cv-3775 (consolidated)
Case No. 13-cv-4727 (consolidated)

**[PROPOSED] ORDER GRANTING
MOTIONS FOR (1) AWARD OF
ATTORNEYS' FEES AND
LITIGATION COSTS (DKT. 434);
AND (2) CLASS REPRESENTATIVE
AND NAMED PLAINTIFF SERVICE
AWARDS (DKT. 435)**

Date: July 7, 2022

Time: 8:00 a.m.

Place: Ctrm. 12, 19th Floor

Judge: Hon. William Alsup

**[PROPOSED] ORDER GRANTING MOTIONS FOR ATTORNEYS' FEES,
LITIGATION COSTS, AND SERVICE AWARDS**

The motion for an award of attorneys' fees and litigation costs (Dkt. 434) and the motion for class representative and named plaintiff service awards (Dkt. 435) were heard on July 7, 2022 at 8:00 a.m. in Department 12 of the above-entitled Court. Appearances were made as stated on the record. The Court has considered plaintiffs' oral and written arguments in support of the motions. All capitalized terms in this Order have the same meanings as in the Settlement Agreement (Dkt. 416-2, as Amended by Dkt. 446-1). Good cause appearing, the Court rules as follows:

1. Class Counsel are awarded attorneys' fees in the amount of \$9,039,137.14, which is equal to thirty percent (30%) of the Total Settlement Amount (as increased by the parties' Amendment to the Settlement Agreement (Dkt. 446-1, ¶2) plus the additional consideration to be paid by Defendant in the separate Settlement Agreement for 105 Additional Employees (Dkt. 449-1)), net of the Court's award of Litigation Costs set forth in paragraph 2, below.¹ The Court finds that, given the totality of the circumstances of this case, this attorneys' fees award ~~is~~ reasonable. An award above the Ninth Circuit's usual 25% benchmark is justified for the reasons stated on the record and in view of the results achieved; the risks presented by the litigation; the complexity of the case; the skill required and the quality of work performed; the contingent nature of the fee; and the financial burden carried by plaintiffs' counsel. The Court has performed a lodestar crosscheck. The fee award amounts to a multiplier of 0.8826 as of approximately June 24, 2022, according to the hours and lodestar figures stated in plaintiffs' counsel's declarations.² The lodestar crosscheck confirms the propriety of the attorneys' fees award.

2. Class Counsel are awarded Litigation Costs in the amount of \$380,223.43. The claimed Litigation Costs are detailed in the declarations of plaintiffs' counsel³ and were reasonably

¹ The original Total Settlement Amount of \$29,900,000.00 was increased in the Amendment by \$578,508.99, for an increased Total Settlement Amount of \$30,478,508.99. Apple has also agreed to pay \$32,171.58 to the 105 Additional Employees. Class Counsel's efforts therefore generated settlement consideration totaling \$30,510,680.57. This sum minus the awarded Litigation Costs of \$380,223.43 equals \$30,130,457.14. Thirty percent of this sum equals \$9,039,137.14.

² Dkt. 454, ¶20.

³ *Id.*, ¶14-15; Dkt. 453, ¶¶9-11; Dkt. 434-1, ¶¶85-87; Dkt. 434-29, ¶75 & Exs. 3-8; Dkt. 434-

1 incurred and reasonable in amount.

2 3. The award of Attorneys' Fees shall be allocated by Class Counsel in the manner they
3 consider equitable to the other counsel who assisted prior to the selection of Class Counsel. Transcript
4 of Proceedings, July 7, 2022 (Dkt. 464) at 53:18-23.

5 4. Class Counsel have proposed, and the Court approves, the following specific
6 allocations of the award of Attorneys' Fees and Litigation Costs to plaintiffs' counsel⁴:

Firm	Attorneys' Fees Allocation	Costs Allocation	Total Fees and Costs Allocation
Kralowec Law, P.C.	\$4,366,682.11	\$41,417.87	\$4,408,099.98
McLaughlin & Stern, LLP	\$3,313,979.67	\$320,767.57	\$3,634,747.24
Law Office of Louis Ginsberg, P.C.	\$673,425.67	\$3,544.28	\$676,969.95
Blanchard Law Group, APC	\$344,764.79	\$12,438.02	\$357,202.81
Peter K. Dion-Kindem, P.C.	\$340,284.90	\$2,055.69	\$342,340.59
TOTALS:	\$9,039,137.14	\$380,223.43	\$9,419,360.57

15 5. The sum allocated to each firm in Litigation Costs, plus one half of the sum allocated
16 to each firm in Attorneys' Fees, shall be paid within thirty (30) calendar days of the Effective Date as
17 stated in paragraph 3.6.4 of the Settlement Agreement. The remaining one half of the sum allocated
18 to each firm in Attorneys' Fees shall be held by the Settlement Administrator and shall be paid within
19 thirty (30) calendar days after the filing of the Settlement Administrator's post-distribution accounting
20 described in paragraph 3.6.11 of the Settlement Agreement.

21 6. The Court approves service awards of \$2,000 each to named plaintiff Amanda Frlekin
22 and to class representatives Seth Dowling, Aaron Gregoroff, Taylor Kalin, and Debra Speicher, as
23 compensation for their efforts on behalf of the class, for all of the reasons stated at the hearing on the
24 motion for service awards, including that each was deposed in this action and responded to


25 _____
26 44, ¶¶20-22; Dkt. 434-46, ¶14; Dkt. 434-48, ¶16.

27 ⁴ The allocation of the award of Attorneys' Fees was calculated in accordance with the proposal
28 set forth in Class Counsel's prior joint declarations. Dkt. 434-43, 452. The allocation of the Litigation
Costs comports with the out-of-pocket expenses claimed by each firm in its respective declaration.
See footnote 2, supra.

1 interrogatories, and each was required to agree to a release of claims much broader than the other
2 members of the class in order to settle this action. The \$2,000 awards shall be paid within thirty (30)
3 calendar days after the Effective Date as stated in paragraph 3.6.3 of the Settlement Agreement.⁵

4
5 IT IS SO ORDERED.

6 Dated: August 13, 2022



Hon. William H. Alsup
District Court Judge

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27 ⁵ Should any Named Plaintiff or Class Representative refuse to accept their service award or class
28 representative payment of \$2,000, such payment shall revert to the general settlement fund for the
benefit of the class.